

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARLON A. THOMAS,
MEISHAN T. THOMAS, McKENSIE T.
THOMAS, REAGEN S. THOMAS, RYAN G.
THOMAS, and JALEN THOMAS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMY THOMAS,

Respondent-Appellant,

and

MARION THOMAS,

Respondent.

UNPUBLISHED
December 4, 2003

No. 247162
Oakland Circuit Court
Family Division
LC No. 01-653218

Before: Murray, P.J. and Gage and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I)¹, *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that respondent was unable to stabilize her schizophrenia or rectify her cocaine use during the eighteen-month duration of these

¹Effective May 1, 2003, the court rules governing proceedings regarding juveniles were amended and moved to new MCR subchapter 3.900. The provisions of MCR 5.974(I) are now found in MCR 3.977(J). In this opinion, we refer to the rules in effect at the time of the order terminating parental rights.

proceedings. Although respondent did participate in drug treatment programs, and began the counseling and close monitoring required for her mental health condition, she continually quit programs, and did not consistently follow through to the point where she had stabilized, was drug-free, and could regain custody of the children. Since respondent made little progress toward addressing her mental health and substance abuse issues in eighteen months, it was clear that the conditions leading to adjudication would not be rectified, and that respondent would not be able to provide proper care or custody for the children, within a reasonable time. Furthermore, there was a likelihood that the children would be harmed if returned to respondent because she remained in the same position she was in when the children were removed from her care.

Additionally, the trial court did not err in finding that termination of respondent-appellant's parental rights was not contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children's behavioral difficulties necessitated competent parenting. The evidence showed that the children could not be returned to respondent and were doing well in foster care. The trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Christopher M. Murray

/s/ Hilda R. Gage

/s/ Kirsten Frank Kelly